

contained vitamins and minerals which were capable of preventing and treating mental and emotional strain and stress; that they were adequate and effective in the prevention and treatment of tiredness; irritability; constipation; headaches; arthritis; bursitis; ulcers; colds; premature aging; and many, many other deficiency and degenerative diseases; that they were the finest health builder; that the article labeled in part "Royal Command" had 35 vitamins, minerals, and other nutrients to give better health; that the article labeled in part "Royal Guard Minerals" would quiet the nerves, ease one's pains, make strong bones and teeth, and give peaceful, restful sleep, and that the articles (all lots) were effective for the relief of all kinds of arthritis, ulcers, colitis, cramps, nerves, etc., including abdominal and muscle cramps for growing girls or women in menopause, and leg and feet cramps in boys and men.

DISPOSITION: 4-12-60. Consent—claimed by Royal Guard Supplements, Inc. The leaflets were destroyed and the articles were released to the claimant to be brought into compliance with the law.

6221. Vitamin and mineral preparations. (F.D.C. No. 44428. S. Nos. 35-241/70 R.)

QUANTITY: 204,002 various size bottles of vitamin and mineral preparations, at New York, N.Y., in possession of Foods Plus, Inc. Such preparations consisted of the following: *Vitamin A [Formulas 117 and 119 (Natural), Formulas 142 and 143 (Palmitate) and Formulas 342 and 343 (Fat Free)]*, *Vitamin A & D capsules [Formula 121]*, *Vitamin B₁ tablets [Formulas 101 and 135]*, *Vitamin B₆ tablets [Formulas 109 and 139]*, *Vitamin B₁₂ tablets [Formulas 134, 234 and 334]*, *Vitamin E capsules [Formulas 125 and 126 (Natural) and 325, 326 and 327 (Fat Free)]*, *wheat germ oil capsules [Formula 113]*, *calcium pantothenate tablets [Formula 141]*, *Basic Therapeutic Formula [Formula 100]*, *Super Potency Vitamin Formula [Formula 102]*, *Multi-Vitamin Formula [Formula 118]*, *Super-Vitamin B Complex [Formula 152]*, *Extra High Potency Formula [Formula 156]*, *All-in-One Vitamin and Mineral capsules [Formula 178]*, *Previtalin [Formula 199]*, *Multiple Minerals [Formula 104]*, and *Lecithin capsules [Formula 129]*.

SHIPPED: Between May 1959 and April 1960, from outside the State of New York.

ACCOMPANYING LABELING: Booklets entitled "Spring 1960-Vitamin Catalog Foods Plus, Inc.," "Victor the Vitamin," "Better Health for America," "How Vitamins have helped man since the Dawn of History," and "What is Different about these Vitamins."

RESULTS OF INVESTIGATION: The booklets were printed on behalf of Food Plus, Inc., for promotional purposes and explained the use of the preparations.

LIBELED: 4-21-60, S. Dist. N.Y.

CHARGE: 502(a)—while held for sale, the labeling which accompanied the articles was false and misleading as follows:

(a) *Vitamin A [Formulas 117 and 119 (Natural), Formulas 142 and 143 (Palmitate) and Formulas 342 and 343 (Fat Free)]*—the labeling contained representations that infection, night blindness, lowered resistance to infection of mucous membranes of the throat, mouth, nose, and eyes, are usually caused by deficiencies of vitamin A in the diet, and that use of the articles would correct and prevent such conditions and be helpful for "resistance to illness," which representations were false and misleading since such conditions are rarely, if ever, caused by a deficiency of vitamin A in the diet, and use of the

articles would not prevent or correct such conditions, nor be helpful in raising resistance to illness;

(b) *Vitamin A & D capsules [Formula 121]*—the labeling contained the false and misleading representations relating to vitamin A described above, and, in addition, contained representations that poor bone and tooth development in children, muscle weakness, bone disorders, and tooth decay are usually and frequently caused by deficiencies of vitamin D in the diet, and that use of the article would correct and prevent such conditions, which representations were false and misleading since such conditions are rarely, if ever, caused by a deficiency of vitamin D in the diet, and use of the article would not prevent or correct such conditions;

(c) *Vitamin B₁ tablets [Formulas 101 and 135]*—the labeling contained representations that loss of appetite and muscle tone, vague aches and pains, nervousness, digestive upsets, mental depression, and constipation, are usually and frequently caused by deficiencies of vitamin B₁ in the diet, that the use of the article containing vitamin B₁ would correct and prevent such conditions, and “aid nerves, heart, and muscles,” which representations were false and misleading since such conditions are rarely, if ever, caused by a deficiency of vitamin B₁ in the diet, and use of the article containing vitamin B₁ would not prevent or correct such conditions, nor aid nerves, heart, and muscles;

(d) *Vitamin B₆ tablets [Formulas 109 and 139]*—the labeling contained representations that nervous disorders, skin eruptions, insomnia, and irritability, are usually and frequently caused by deficiencies of vitamin B₆ in the diet, that the use of the article containing vitamin B₆ would correct and prevent such conditions, and be helpful in causing nerves, skin, and muscles to be healthy, and aid in resistance to disease through antibody production, which representations were false and misleading since such conditions are rarely, if ever, caused by a deficiency of vitamin B₆ in the diet, and use of the article containing vitamin B₆ would not prevent or correct such conditions, and would not aid in resistance to disease through antibody production.

(e) *Vitamin B₁₂ tablets [Formulas 134, 234, and 334]*—the labeling contained representations that fatigue, chills and paleness, difficult breathing, nutritional anemia, lack of energy, and growth failure in children, are usually and frequently caused by deficiencies of vitamin B₁₂ in the diet, and that use of the article containing vitamin B₁₂ would correct and prevent such conditions, which representations were false and misleading since such conditions are rarely, if ever, caused by a deficiency of vitamin B₁₂ in the diet, and use of the article containing vitamin B₁₂ would not prevent or correct such conditions;

(f) *Vitamin E capsules [Formulas 125 and 126 (Natural) and 325, 326 and 327 (Fat Free)]*, and *wheat germ oil capsules [Formula 113]*—the labeling contained representations that sterility, failure of pregnancy, menopausal, muscular, and nervous disorders, and muscular pain, are usually and frequently caused by deficiencies of vitamin E in the diet, and that use of the articles containing vitamin E would correct and prevent such conditions, which representations were false and misleading since such conditions are not caused by a deficiency of vitamin E in the diet, and use of the articles would not prevent or correct such conditions, and the statement on the labels (vitamin E capsules) “When a deficiency of Vitamin E exists” was false and misleading in that such statement represented and suggested that there may be need for dietary supplementation with vitamin E, which statement is contrary to fact;

(g) *Calcium pantothenate tablets [Formula 141]*—the labeling contained representations that stress and strain, polyneuritis, burning feet, and graying

of hair, are usually and frequently caused by deficiencies of calcium pantothenate in the diet, and that use of the article containing calcium panthotenate would correct and prevent such conditions, which representations were false and misleading since such conditions are rarely, if ever, caused by a deficiency of calcium pantothenate in the diet, and use of the article would not prevent or correct such conditions;

(h) *Basic Therapeutic Formula* [Formula 100]; *Super Potency Vitamin Formula* [Formula 102]; *Multi-Vitamin Formula* [Formula 118]; *Super-Vitamin B Complex* [Formula 152]; *Extra High Potency Formula* [Formula 156]; *All-in-One Vitamin and Mineral Capsules* [Formula 178]; and *Previtalin* [Formula 199]—the labeling contained representations that relief of tension, lack of pep and energy, nervousness, lowered resistance, extreme pressures, vigor, premature aging, loss of appetite and muscle tone, vague aches and pains, digestive upsets, mental depression, constipation, nervous disorders, skin eruptions, insomnia, irritability, fatigue, chills and paleness, difficult breathing, nutritional anemia, anemia, diseased gums, defective teeth, bones, and blood vessels, poor appetite, stress and strain, polyneuritis, burning feet, graying of hair, indigestion, general body weakness, and hardening of the arteries, are usually and frequently caused by deficiencies in the diet, of the vitamins stated in the labeling of the articles and that the use of the articles would correct and prevent such conditions; that they would aid nerves, heart, and muscles and be helpful in causing nerves, skin, and muscles to be healthy, and aid in resistance to disease through antibody production; which representations were false and misleading since such conditions are rarely, if ever, caused by deficiencies of the named ingredients in the diet, and the use of the articles would not aid nerves, heart, and muscles, or be helpful in causing nerves, skin, and muscles to be healthy, or aid in resistance to disease through the production of antibodies;

(i) *Basic Therapeutic Formula* [Formula 100]; *Super Potency Vitamin Formula* [Formula 102]; *Multi-Vitamin Formula* [Formula 118]; *All-in-One Vitamin and Mineral capsules* [Formula 178]; and *Previtalin* [Formula 199]—the labeling contained representations that infection, night blindness, lowered resistance to infection of mucous membranes of the throat, mouth, nose, and eyes, poor bone and tooth development in children, muscle weakness, bone disorders, tooth decay, sterility, failure of pregnancy, menopausal and muscular disorders, and muscular pain, are usually and frequently caused by deficiencies of vitamins A, D, or E in the diet, that use of the articles would correct and prevent such conditions, which representations were false and misleading since such conditions are rarely, if ever, caused by deficiencies of vitamins A, D, or E in the diet, and use of the articles would not prevent or correct such conditions;

(j) *Multiple Minerals* [Formula 104] and *Previtalin* [Formula 199]—the labeling contained representations that the articles would relieve tensions, stress and strain, nervousness, irritability, extreme pressures, fatigue, insomnia, mental depression, and would prevent premature aging, provide higher resistance to illnesses, more pep and energy, and a brighter outlook on life; that the articles when taken with vitamins increase the outlook on life; that the articles when taken with vitamins increase the effectiveness of the vitamins for the stated purposes; that the average adult in this country is likely to be suffering from a mineral deficiency; and that supplementation of the diet with the articles is essential to life and health, which representations were false and misleading since they were contrary to fact;

(k) *Lecithin capsules* [Formula 129]—the labeling contained representations that lecithin is a valuable addition to the diet, that by providing phospholipids to the body it was an important dietary factor because phospholipids are present in all body tissues; that lecithin, when used to supplement the diet, performs the function of aiding in the utilization and transportation of fat, preventing and removing fatty deposits, solubilizing fat, preventing and eliminating the cholesterol deposits of atherosclerosis, bringing about the proper metabolism of fats, controlling hypercholesteremia, aiding fat digestion, and making the aged feel years younger, which representations were false and misleading since they were contrary to fact;

(1) All articles except *Lecithin capsules* [Formula 129]—the labeling contained statements which, in the setting in which they were presented, represented and suggested:

(i) That practically everyone in this country is suffering from, or is in danger of suffering from, a serious dietary deficiency of vitamins and minerals due to foods being grown on depleted soils, and due to storage, processing, refining, shipping, and cooking of foods, which statements and representations were false and misleading since they are contrary to fact; and

(ii) That Foods Plus, Inc., was the manufacturer of the vitamin and mineral products which they offered for sale, which representations and suggestions were false and misleading since they were contrary to fact.

DISPOSITION: 5-3-60. Consent—claimed by Foods Plus, Inc., New York, N.Y., and relabeled.

6222. Vitamin and mineral capsules. (F.D.C. No. 44434. S. Nos. 6-761 R, 6-765 R.)

QUANTITY: 269 100-capsule btl. at Boston, Mass., in possession of Argentina Rocca Vitamin Co., Div. of NERL, Inc.

SHIPPED: 1-19-60 and 3-9-60, from Newark, N.J.

LABEL IN PART: (Btl.) "Argentina Rocca's Special Super Formula of Vitamins and Minerals 10707 Argentina Rocca Vitamin Co., Boston 15, Mass."

ACCOMPANYING LABELING: Undated form letters in the Spanish language addressed to "Muy amigo mio"; undated form letters in the English language beginning with the words "Dear Friend: Thank you," and "Dear Friend: I have not heard"; and booklets entitled "Argentina Rocca's Personal Exercises for keeping fit!"

RESULTS OF INVESTIGATION: The accompanying labeling was shipped from New York, N.Y., to Boston, Mass., on the order of Argentina Rocca Vitamin Co.

LIBELED: 4-15-60, Dist. Mass.

CHARGE: 502(a)—when shipped and while held for sale, the labeling which accompanied the article contained false and misleading representations that the article was adequate and effective for the treatment and prevention of tenseness; irritability; fatigue; nervousness; low resistance; premature aging; infection of mucous membranes of the eyes, nose, mouth, and throat; night blindness; neuritis; loss of muscle tone; digestive upsets; vague aches and pains; mental depression; constipation; dryness of the hair and scalp; inflammation of the mouth and soreness at the corners of the mouth; skin eruptions; nervous disorders; insomnia; anemia with symptoms of tiredness, paleness, poor appetite, lack of energy, and difficulty in breathing; anemia; defective teeth; local hemorrhages of the gums and membranes of the nose and mouth;